

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 HARPREET GILL,

11 Plaintiff, CASE NO. C17-0858-JCC  
12 v. MINUTE ORDER

13 ROBERT HALLMAN and KOCH TRUCKING,  
14 INC.,

15 Defendants.

16 The following Minute Order is made by direction of the Court, the Honorable John C.  
17 Coughenour, United States District Judge:

18 This matter comes before the Court on Plaintiff's motion for partial summary judgment  
19 (Dkt. No. 13) and Defendants' response (Dkt. No. 16). In their response, Defendants ask the  
20 Court to defer consideration of Plaintiff's motion to allow them to conduct and present additional  
21 discovery. (Dkt. No. 16 at 16–17.) Specifically, Defendants request additional time to present  
22 deposition testimony of Michael LaBrie, whose deposition was scheduled for September 5, 2018.  
23 (Dkt. No. 17 at 1.) Plaintiff included a declaration from Mr. LaBrie in support of its motion for  
24 partial summary judgment. (Dkt. No. 15.)

25 Under Federal Rule of Civil Procedure 56(d), “[i]f a nonmovant shows by affidavit or  
26 declaration that, for specified reasons, it cannot present facts essential to justify its opposition,

1 the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or  
2 declarations or to take discovery . . ." Having reviewed Plaintiff's motion for partial summary  
3 judgment, and Defendants' declaration in support of a Rule 56(d) continuance, the Court  
4 concludes that it is appropriate to defer consideration of Plaintiff's motion to allow time for  
5 Defendants' to take and present Mr. LaBrie's deposition testimony. Mr. LaBrie's testimony is  
6 central to Plaintiff's motion for summary judgment. (*See generally* Dkt. Nos. 13, 15.)

7 Accordingly, the Clerk is DIRECTED to re-note Plaintiff's motion for partial summary  
8 judgment (Dkt. No. 13) to October 5, 2018. No later than September 28, 2018, Defendants shall  
9 file an amended response to Plaintiff's motion for partial summary judgment. Defendants'  
10 amended response shall be no longer than ten (10) page double-spaced. No later than October 5,  
11 2018, Plaintiff may file a reply to Defendants' response, which shall be no longer than fifteen  
12 (15) pages double-spaced.

13 DATED this 6th day of September 2018.

14 William M. McCool  
15 Clerk of Court

16 s/Tomas Hernandez  
17 Deputy Clerk